

Message Text

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TO SECSTATE WASHDC PRIORITY 0016
INFO ALL U S CONSULATES IN MEXICO UNN

UNCLAS SECTION 1 OF 6 MEXICO 1159

E.O. 11652: N/A
CASC, MX
SUBJ: W/W: ARRESTS: REPORT TO SENATE FOREIGN RELATIONS COMMITTEE
ON AM. PRISONERS IN MEXICO.

REF: (A) STATE 76/294015; (B) MEXICO 76/15772; (C) STATE 76/305906

THE FOLLOWING STATISTICS COVER PERSONS ARRESTED FROM PERIOD
BETWEEN 7/21/75 AND 1/15/77. IN RESPONSE TO PARAGRAPH 3
SECTION A-I OF REFTEL (A), EMBASSY HAS LISTED BOTH COUNTRYWIDE
STATISTICS AND DATA OF INDIVIDUAL CONSTITUENT POSTS.

A. TOTAL NUMBER ARRESTED: 1531

MEXICO CITY - 196
CIUDAD JUAREZ - 55
GUADALAJARA - 112
HERMOSILLO - 137
MATAMOROS - 49
MAZATLAN - 105
MERIDA - 49
MONTERREY - 262
NUEVO LAREDO - 460
TIJUANA - 106

B. NOTIFICATION AND ACCESS

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ADEQUATE: 634	8,-\$317-53: 269
MEXICO CITY 120	.3/8:9 :856 76
CIUDAD JUAREZ 16	CIUDAD JUAREZ 39
GUADALAJARA 61	GUADALAJARA 41
HERMOSILLO 126	HERMOSILLO 11
MATAMOROS 45	MATAMOROS 4
MAZATLAN 76	MAZATLAN 29

MERIDA 36	MERIDA 13
MONTERREY 44	MONTERREY 6
NUEVO LAREDO 14	NUEVO LAREDO 40
TIJUANA 96	TIJUANA 10

THE DISCREPANCY IN THE SUM OF FIGURES FOR PART A AND B IS CAUSED BY THE FACT THAT TWO CONSTITUENT POSTS, MONTERREY AND NUEVO LAREDO, DID NOT INCLUDE IN THEIR CALCULATIONS OF PARTS B TO I CASES INVOLVING MINOR OFFENSES, THAT IS, OFFENSES FOR WHICH THE ARRESTEES WERE RELEASED AFTER ONLY ONE OR TWO DAYS IN JAIL. IN MONTERREY, 212 OF THE 262 ARRESTS CASES WERE CONSIDERED "INSIGNIFICANT" FOR THE PURPOSES OF THEIR ANALYSIS; IN NUEVO LAREDO, 406 CASES WERE CONSIDERED INSIGNIFICANT.

WHETHER NOTIFICATION AND ACCESS WERE ADEQUATE WAS BASED ON TWO FACTORS: A) THE POST WAS INFORMED OF THE ARREST WITHIN A REASONABLY SHORT PERIOD AFTER THE DETENTION (APPROX. 72 HOURS) EITHER BY MEXICAN OFFICIALS OR BY RELATIVES OR REPRESENTATIVES OF THE INCARCERATED AMCIT WITH WHOM HE HAD BEEN PERMITTED TO COMMUNICATE; AND B) THE POST WAS GRANTED ACCESS UPON ITS FIRST REQUEST AFTER LEARNING OF THE ARREST. INDIVIDUAL POSTS HAVE REPORTED VARYING DEGREES OF SUCCESS WITH RESPECT TO PROMPT NOTIFICATION AND ACCESS. EMBASSY MEXICO CITY HAS NOTICED A MARKED IMPROVEMENT IN NOTIFICATION BY POLICE OFFICIALS IN THE FEDERAL DISTRICT, BUT OFFICIALS IN OTHER STATES, NOTABLY GUERRERO AND OAXACA, STILL FAIL TO NOTIFY THE EMBASSY ON A REGULAR BASIS WHEN AN AMCIT IS ARRESTED. CIUDAD JUAREZ, MONTERREY, NUEVO LAREDO REPORT DIFFICULTIES IN NOTIFICATION. MONTERREY AND NUEVO UNCLASSIFIED

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LAREDO NOTE THAT THIS DIFFICULTY IS OCCASIONALLY DUE TO THE PRISONER'S DECISION TO WITHHOLD FROM MEXICAN AUTHORITIES INFORMATION ABOUT HIS AMERICAN CITIZENSHIP BUT IS PRINCIPALLY CAUSED BY MEXICAN GOVERNMENT LACK OF COOPERATION IN NOTIFICATION. TIJUANA REPORTS THAT ITS PROBLEMS IN NOTIFICATION HAVE DIMINISHED, SINCE CONSULAR EMPLOYEES HAVE BEEN ABLE TO VISIT LOCAL DETENTION CENTERS ON REGULAR BASIS AND INQUIRE FOR AMERICAN CITIZENS. REMEDIAL ACTION:

ALL POST IN MEXICO HAVE TAKEN SOME FORM OF REMEDIAL ACTION WITH REGARD TO IMPROVEMENT OF NOTIFICATION AND ACCESS. THE AMBASSADOR AND HIS STAFF AT THE EMBASSY HAVE MADE NUMEROUS VISITS TO HIGH GOVERNMENT OFFICIALS INCLUDING THE ATTORNEY-GENERAL, THE DEPUTY ATTORNEY GENERAL, AND OTHER CABINET AND SUB-CABINET MEMBERS FOR THE PURPOSE OF IMPRESSING UPON THE GOM THE IMPORTANCE OF NOTIFICATION AND PROMPT ACCESS. CONSULAR OFFICERS AT ALL POSTS HAVE A) REMINDED LOWER GOM OFFICIALS OF THE ATTORNEY GENERAL'S INSTRUCTIONS THAT THE EMBASSY IS TO BE NOTIFIED IMMEDIATELY WHENEVER AN AMERICAN CITIZEN IS ARRESTED AND B) MADE BOTH WRITTEN AND

ORAL PROTESTS TO LOCAL AUTHORITIES. DESPITE THESE PROTESTS, NOTIFICATION OF ARRESTS IS OFTEN EFFECTED BY SOURCES OUTSIDE OF THE GOM. ONCE NOTIFICATION HAS BEEN MADE, THE GAINING OF CONSULAR ACCESS TO THE ARRESTED AMERICAN IS USUALLY NOT A PROBLEM UNLESS THE CONDITIONS OF COMMUNICATION AND TRANSPORTATION ARE THEMSELVES AN OBSTACLE.

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C. VISITATION.

MEXICO CITY. IN VIEW OF THE NUMBER OF PRISONS WITHIN THE MEXICO CITY CONSULAR DISTRICT AND THE VARIATION IN DISTANCE AND NUMBER OF PRISONERS, THE EMBASSY IS REPORTING DATA FOR EACH INDIVIDUAL PRISON CURRENTLY HOLDING AMCITS. THE DATA IS ARRANGED AS FOLLOWS:

- A) NUMBER OF PRISONERS AT PRESENT TIME
- B) DISTANCE FROM MEXICO CITY OR EMBASSY.
- C) FREQUENCY OF VISITS
- D) NUMBER OF PRISONERS USUALLY SEEN DURING A VISIT
- E) LENGTH OF VISITS

FIGURES ON PRISON VISITATION

(1) RECLUSORIO PREVENTIVO NORTE, D.F.

- A) 9
- B) APPROXIMATELY 15 MILES; 3/4 HOUR BY CAR.
- C) EVERY 2 WEEKS
- D) 7 OR 8
- E) 2 1/2 HOURS

(2) RECLUSORIO PREVENTIVO ORIENTE, D.F.

- A) 39
- B) 14 MILES, 45 MINUTES BY CAR.
- C) EVERY 2 WEEKS
- D) 30-35
- E) 4 1/2 HOURS

(3) PENITENCIARIA FEDERAL PARA MUJERES "LOS REYES"

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- A) 41
- B) 20 MILES; 45 MINUTES BY CAR
- C) EVERY 2 WEEKS
- D) 30
- 3) 2 1/2 HOURS

(4) PENITENCIARIA FEDERAL DE SANTA MARTA

- A) 64
- B) 20 MILES; 45 MINUTES BY CAR
- C) EVERY 2 WEEKS
- D) 50
- E) 6 HOURS

(5) CARCEL MUNICIPAL, ACAPULCO, GUERRERO

- A) 19
- B) 255 MILES; 40 MINUTES BY AIR FROM MEXICO CITY
- C) MONTHLY
- D) 17
- E) 4 HOURS

(6) PENITENCIARIA MUNICIPAL, OCOTLAN, OAXACA

- A) 1
- B) 20 MILES; 30 MINUTES BY CAR FROM OAXACA CITY
- C) MONTHLY
- D) 1
- E) 30 TO 45 MINUTES

(7) PENITENCIARIA DEL ESTADO, OAXACA, OAXACA

- A) 11
- B) 315 MILES; 1 HOUR BY AIR FROM MEXICO CITY
- C) MONTHLY
- D) 11
- E) 1 1/2 HOURS

(8) PENITENCIARIA SAN JUAN DE DIOS, PUEBLA, PUEBLA

- A) 4
- B) 80 MILES; 2 HOURS BY CAR
- C) MONTHLY
- D) 4 (ALL)
- E) 1 HOUR

(9) PENITENCIARIA DEL ESTADO, QUERETARO, QUERETARO

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- A) 1
- B) 100 MILES; 2 HOURS BY CAR
- C) HAS NOT BEEN VISITED SINCE JULY, 1976; PRISONER
STATED THAT HE DID NOT DESIRE VISITATION.
- D) 1

E) N/A

(10) PENITENCIARIA DEL ESTADO, TAPACHULA, CHIAPAS

A) 2

B) 775 MILES; 2 HOURS BY AIR

C) EVERY 2 MONTHS

D) 2

E) 1 HOUR

(11) PENITENCIARIA DEL ESTADO, TOLUCA, ESTADO DE MEXICO

A) 1

B) 45 MILES; APPROXIMATELY 1 HOUR BY CAR

C) MONTHLY

D) 1

E) 40 MINUTES

(12) CARCEL ALLENDE, VERACRUZ, VERACRUZ

A) 1

B) 260 MILES; 45 MINUTES BY AIR

C) EVERY 2 MONTHS

D) 1

E) 40 MINUTES

(13) CARCEL DE TUXPAN, VERACRUZ

A) 4

B) 214 MILES; 4-5 HOURS BY CAR

C) MONTHLY

D) 4

E) 1 HOUR

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COMMENT ON VISITATION. IN ORDER TO VISIT AMCIT PRISONERS,
THE CONSULAR OFFICER IDENTIFIES HIMSELF BY PRESENTING HIS
CONSULAR CARNET TO PRISON DIRECTOR. THE CONSULAR OFFICER
MUST ALSO PROVIDE A LIST OF THE NAMES OF THE AMERICAN
PRISONERS, IN SOME INSTANCES INCLUDING THEIR CELL

ASSIGNMENTS. THE DIRECTOR THEN ORDERS HIS GUARDS TO CALL THOSE NAMED. ALL PERSONS KNOWN TO BE IN PRISON ARE INVITED TO VISIT EMBASSY OFFICIAL DURING VISIT. WHEN THEY DO NOT APPEAR, THE CONSULAR OFFICER MAKES INQUIRIES OF OTHER AMERICAN PRISONERS CONCERNING REASONS FOR NONAPPEARANCE. MOST COMMONLY GIVEN REASONS ARE: (1) PRISONER WAS IN THE MIDDLE OF A VISIT WITH A FRIEND OR MEMBER OF FAMILY; (2) PRISONER DID NOT WISH TO SEE CONOFF; (3) OR HE WAS ENGAGED IN SPORTS OR OTHER PASTIMES. CONOFF IS CAREFUL TO CONFIRM THAT PRISONER DID NOT APPEAR OF HIS OWN FREE WILL, AND NOT BECAUSE OF PRISON AUTHORITIES COERCION. FINALLY, PRISONERS REQUESTS AND COMPLAINTS ARE DISCUSSED DIRECTLY WITH THE DIRECTOR OF SECRETARY GENERAL OF THE PRISON DURING THE CONOFF'S VISIT.

II. CIUDAD JUAREZ: THERE ARE TWO PRISONS WITHIN THE CONSULAR DISTRICT. ONE IS TWO MILES FROM THE CONSULATE GENERAL AND IS VISITED BY A CONSULAR OFFICER TWICE A WEEK. THE CONSULAR OFFICER MAKES HIS PRESENCE KNOWN DURING EACH VISIT AND IS AVAILABLE TO ALL PRISONERS WHO WISH TO SEE HIM. IF A PRISONER DOES NOT ASK TO SEE THE CONSULAR OFFICER DURING SEVERAL UNCLASSIFIED

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SUCCESSIVE VISITS, THE CONSULAR OFFICER WILL ASK TO SEE THE PRISONER. THE SECOND PRISON IS LOCATED 235 MILES FROM CIUDAD JUAREZ. SINCE THERE IS ONLY ONE PRISONER CURRENTLY INCARCERATED THERE, THE CONSULATE GENERAL HAS MADE ARRANGEMENTS, WITH THE DEPARTMENT'S CONCURRENCE, TO SPEAK TO THE PRISONER BY TELEPHONE RATHER THAN MAKE A MONTHLY VISIT. WHEN THERE ARE MATTERS WHICH REQUIRE HIS PERSONAL APPEARANCE, THE CONSULAR OFFICER DOES VISIT THAT PRISON PERSONALLY.

III. GUADALAJARA: CONSULAR OFFICER VISITS PRISONERS IN GUADALAJARA TWICE EACH MONTH AND IN OUTLYING AREAS ONCE A MONTH. THE NUMBER OF PRISONERS SEEN DURING EACH VISIT VARIES ACCORDING TO THE SIZE OF THE AMERICAN PRISONER POPULATION.

IV. HERMOSILLO: A CONSULAR OFFICER VISITS ALL PRISONS AT LEAST ONCE EACH MONTH. THE FREQUENCY OF SUCH VISITS ACTUALLY AVERAGES ABOUT THREE PER MONTH, AND ADDITIONAL VISITS ARE MADE ANY TIME A PRISONER REQUESTS TO SEE A CONSULAR OFFICER. A CONSULAR OFFICER FROM THE CONSULATE GENERAL IN TIJUANA VISITS THE PRISON AT SAN LUIS RIO COLORADO, SONORA AND INFORMS THIS OFFICE OF THE RESULTS OF THE VISIT.

V. MATAMOROS: MATAMOROS MUNICIPAL JAIL: A CONSULAR OFFICER MAKES ONE VISIT PER MONTH AT WHICH TIME ALL PRISONERS HAVE THE OPPORTUNITY OF SPEAKING WITH HIM. IN ADDITION, A CONSULAR OFFICER OR ASSISTANT MAKES THREE ADDITIONAL VISITS PER WEEK IN ORDER TO DELIVER THE PRISONERS' MAIL.

REYNOSA MUNICIPAL JAIL (MATAMOROS DISTRICT): A CONSULAR OFFICER MAKES ONE VISIT PER MONTH AT WHICH TIME HE SPEAKS WITH ALL PRISONERS.

TAMPICO (MATAMOROS DISTRICT): A CONSULAR OFFICER MAKES ONE VISIT PER MONTH, AT WHICH TIME HE SPEAKS WITH ALL PRISONERS.

CIUDAD VICTORIA (MATAMOROS DISTRICT): A CONSULAR OFFICER MAKES ONE VISIT PER MONTH AT WHICH TIME ALL PRISONERS

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HAVE THE OPPORTUNITY OF SPEAKING WITH HIM. PRIOR TO JAN. 1977, NONE OF THE THREE PRISONERS WISHED TO SPEAK WITH A CONSULAR OFFICER, ALTHOUGH A CONSULAR OFFICER MADE HIMSELF AVAILABLE TO THE PRISONERS IN THAT JAIL.

VI. MAZATLAN: APPROXIMATELY 160 MAN-HOURS PER MONTH ARE DEVOTED TO PRISON VISITS. SINCE FEBRUARY, 1976, ALL PRISONERS HAVE BEEN VISITED ON A MONTHLY BASIS, OR MORE OFTEN WHEN NECESSARY. IN THE OUT-OF-TOWN PRISONS (REQUIRING THREE DAYS EACH FOR TRAVEL AND VISIT TIME,) TEPIC, LA PAZ, LOS MOCHIS, AND CULIACAN ALL PRISONERS ARE SEEN ON EACH VISIT. COMMERCIAL PLANE SERVICE IS AVAILABLE ONLY TO LA PAZ. IT IS POSSIBLE THAT MONTHLY VISITS TO LOS MOCHIS, CULIACAN, AND TEPIC MAY BE INTERRUPTED IN THE FUTURE DUE TO A LACK OF TRAVEL SECURITY IN THESE BANDIT-INFESTED AREAS. IN MAZATLAN, THE 43 PRISONERS REQUIRE FOUR TO FIVE DAYS FOR A COMPLETE VISIT. A CONSULAR OFFICER IS PRESENT AT THE PRISON IN MAZATLAN ON AN ALMOST DAILY BASIS FOR THE PROVISION OF ADDITIONAL SERVICES.

IF PRISONERS REFUSE TO SEE THE CONSULAR OFFICER, THE OFFICER VERIFIES THE REASON WHY THE PRISONER DOES NOT WISH TO BE SEEN. THE MOST COMMON REASON IS THE PRISONER HAS OTHER VISITORS OR DOES NOT WANT TO INTERRUPT A PROJECT HE IS WORKING ON IN PRISON.

VII. MONTERREY: TORREON (IN MONTERREY DISTRICT): A CONSULAR OFFICER VISITS THE 5 PRISONERS ONCE A MONTH. ONE OR TWO USUALLY REFUSE TO SPEAK WITH A CONSULAR OFFICER DURING A VISIT.

DURANGO (MONTERREY DISTRICT): A CONSULAR OFFICER VISITS THE PRISONERS AT THE TWO PRISONS IN DURANGO ONCE A MONTH. THEY MAY ALL SPEAK WITH THE CONSULAR OFFICER IF THEY WISH.

SAN LUIS POTOSI (MONTERREY DISTRICT): A CONSULAR OFFICER VISITS THE PRISON ONCE EVERY TWO MONTHS AND MEETS WITH ONE OF THE THREE AMERICAN CITIZENS. THE OTHER TWO DO NOT WISH TO SPEAK WITH THE VISITING OFFICER.

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MONTERREY: A CONSULAR OFFICER MEETS ONCE A MONTH WITH
15 TO 20 OF THE 25 TO 30 AMERICAN PRISONERS.

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SALTILLO (MONTERREY DISTRICT): A CONSULAR OFFICER
VISITS 6 OF THE 7 AMERICAN PRISONERS ONCE A MONTH.
THE OTHER DOES NOT WISH TO SPEAK WITH THE VISITING OFFICER.
IN THE MONTERREY CONSULAR DISTRICT, ALL AMERICANS AT THE
VARIOUS PENAL INSTITUTIONS ARE NOTIFIED AND INVITED TO
SEE THE CONSULAR OFFICER AT THE TIME OF HIS VISIT. THOSE
WHO REFUSE TO PARTICIPATE DO SO BECAUSE: A) THEY DENY
THEIR AMERICAN CITIZENSHIP BECAUSE THEY ARE WANTED BY
U.S. LAW ENFORCEMENT AUTHORITIES B) THEY ARE NOT INTERESTED
IN SEEING THE CONSULAR OFFICER C) THEY ARE IN THE MIDDLE
OF A VISIT.

VII. MERIDA: PRISONERS IN MERIDA ARE USUALLY SEEN TWO
OR THREE TIMES A MONTH BY A CONSULAR OFFICER AND MORE
FREQUENTLY BY A LOCAL EMPLOYEE WHO DELIVERS MAIL AND
NEWSPAPERS. PRISONERS OUTSIDE MERIDA ARE SEEN AT LEAST
ONCE A MONTH EXCEPT IN A CASE OF THE PROLONGED ABSENCE
OF ONE OFFICER.

VIII. NUEVO LAREDO; THE PRISON IN NUEVO LAREDO IS
VISITED BY A CONSULAR OFFICER AT LEAST ONCE A WEEK
IN A PATIO AREA OF THE PRISON. PRISON ASSISTANTS
ANNOUNCE THE ARRIVAL OF THE CONSULAR OFFICER.
AT PIEDRAS NEGRAS AND CIUDAD ACUNA IN OUR NUEVO LAREDO
DISTRICT, THE PRISONERS ARE CALLED OUT INTO A PRIVATE
OFFICE FOR INDIVIDUAL DISCUSSIONS WITH THE CONSULAR
OFFICER. THESE VISITS ARE MADE ONCE MONTHLY.

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IX. TIJUANA: CONSULAR REPRESENTATIVES MAKE SCHEDULED VISITS TO PRISONS IN TIJUANA, ENSENADA, AND MEXICALI ONCE EACH MONTH, AT WHICH TIME EACH PRISONER HAS THE OPPORTUNITY TO SPEAK WITH THE REPRESENTATIVE IF HE WISHES. ADDITIONAL UNSCHEDULED VISITS ARE FREQUENTLY MADE IN TIJUANA.

D. NEITHER THE EMBASSY NOR THE CONSTITUENT POSTS CONSIDER THAT THE DETERMINATION OF THE INNOCENCE OR GUILTY OF AN AMERICAN PRISONER CAN OR SHOULD BE MADE BY THE CONSULAR OFFICER. DURING THE REPORTING PERIOD, HOWEVER, THERE WERE 18 CLAIMS OF INNOCENCE IN THE MEXICO CITY CONSULAR DISTRICT, 1 CLAIM IN MAAMOROS WHICH IS CONSIDERED NOT VERIFIABLE, AND 6 CLAIMS IN MONTERREY. NUEVO LAREDO REPORTS THREE CREDIBLE CLAIMS AND TIJUANA 43 CLAIMS OF WHICH 39 ARE UNSUBSTANTIATED AND 4 CLAIMS FOR WHICH CONCLUSIONS CANNOT BE REACHED. IN HERMOSILLO, ONE PRISONER CLAIMED INNOCENCE; HIS CLAIM CANNOT BE SUSTAINED. OF THE 18 CLAIMS IN MEXICO CITY, 11 PERSONS WERE SUBSEQUENTLY RELEASED BY MEXICAN OFFICIALS FOR LACK OF EVIDENCE. OF THE 6 CLAIMING INNOCENCE IN MONTERREY, 4 WERE RELEASED SHORTLY AFTER ARREST, ONE WAS RELEASED AFTER A YEAR, AND ONE PERSON IS STILL AWAITING A VERDICT.

E. ABUSE AT TIME OF ARREST

	ALLEGED	SUB-	UNSUB-	NO CON-
	STANTIATED	STANTIATED	CLUSION	
TOTAL	224	58	119	47
MEXICO CITY	54	16	28	10
CD. JUAREZ	31	4	27	0
GUADALAJARA	22	0	22	0
HERMOSILLO	14	0	13	1
MATAMOROS	6	4	0	2
MAZATLAN	45	18	17	10
MERIDA	4	3	0	1
MONTERREY	11	5	5	1

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NVO. LAREDO	19	3	0	16
TIJUANA	18	5	7	6

REMEDIAL ACTION:

IN CASES OF SUBSTANTIATED ABUSE, PROTESTS HAVE BEEN MADE TO THE GOM, EXCEPT IN THOSE CASES WHERE THE PRISONER SPECIFICALLY REQUESTED THAT NO SUCH PROTEST BE MADE. THESE PROTESTS ARE MADE BOTH ORALLY AND IN WRITING TO LOCAL OFFICIALS AND THE

FEDERAL JUDICIAL POLICE.

IN MANY INSTANCES, THE CASE IS DOCUMENTED BY A CONSTITUENT POST AND FORWARDED TO THE EMBASSY FOR PROTESTS TO BE LODGED AT THE GOM SECRETARIAT OF FOREIGN AFFAIRS. THE EMBASSY THEN SENDS A NOTE OF PROTEST TO FOREIGN AFFAIRS WITH A COPY TO THE GOM ATTORNEY GENERAL INCLUDING A DESCRIPTION OF THE CASE, SWORN STATEMENTS BY BOTH THE PRISONERS AND THE CONSULAR OFFICER, IN THE NOTE, IT REQUESTS THAT A FULL INVESTIGATION BE MADE OF THE ALLEGATIONS OF ABUSE.

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F. ILLEGAL SEIZURE AND RETENTION

	ALLEGED	SUB-	UNSUB-	NO CON-
	STANTIATED	STANTIATED	STANTIATED	CLUSION
TOTAL	81	27	13	41
MEXICO CITY	1	1	0	0
CD. JUAREZ	7	0	0	7
GUADALAJARA	11	5	0	6
HERMOSILLO	0	0	0	0
MATAMOROS	1	1	0	0
MAZATLAN	24	21	3	9
MERIDA	4	3	0	1
MONTERREY	7	5	0	2
N. LAREDO	4	0	0	4
TIJUANA	22	0	10	12

ALMOST ALL ARRESTEES WITHIN THE 4 MEXICO CITY PRISONS CLAIM TO HAVE BEEN DEPRIVED OF MONEY, JEWELRY, SUITCASES, AND OTHER PERSONAL PROPERTY BEFORE THEY ARE TURNED OVER TO THE PROSECUTING ATTORNEY BY THE FEDERAL POLICE. CARS AND AIRPLANES INVOLVED IN THE ALLEGED TRANSPORTATION OF DRUGS ARE SEIZED AND SOMETIMES NOT RETURNED PROMPTLY WHEN AN

AMCIT IS ACQUITTED BY A MEXICAN COURT. EMBASSY IS CURRENTLY HANDLING ONE CASE WHERE AN AMCIT WAS RELEASED IN JULY, AND HIS CAR IS STILL BEING HELD BY MEXICAN AUTHORITIES. DURING THE REPORTING PERIOD, THE EMBASSY HAS ACTIVELY ASSISTED

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PRISONERS TO RECOVER PROPERTY IN THE CUSTODY OF THE COURTS; ALMOST WITHOUT EXCEPTION, PRISONERS COMPLAIN THAT ITEMS ARE MISSING FROM THEIR SUITCASES AND BAGS WHEN RETURNED. THE EMBASSY IS ESPECIALLY AWARE OF ONE SEIZURE, INVOLVING A VIOLIN VALUED AT BETWEEN 5,000 AND 10,000 DOLLARS. THE VIOLIN WAS NOT RETURNED TO THE PERSON AND IS THOUGHT TO BE LOST. THE EMBASSY HAS BROUGHT THIS CASE TO THE ATTENTION OF THE ATTORNEY GENERAL' OFFICE. THE ATTORNEY GENERAL WAS NOT SUCCESSFUL IN LOCATING THE INSTRUMENT. IN ALL CASES OF CLAIMS WHICH ARE CONSIDERED TO BE VALID, THE CONSULATES HAVE FILED ORAL AND WRITTEN PROTESTS WITH THE CHIEF OF THE ARRESTING POLICE UNIT AS SOON AS POSSIBLE AFTER BEING INFORMED OF THE LOSS BY THE PRISONERS. IN PRISONS VIGOROUS ORAL PROTESTS WERE ALSO MADE TO THE APPROPRIATE OFFICIALS. IN MANY CASES, THE CONSULAR OFFICER WAS ABLE TO RECOVER THE PROPERTY CONCERNED, OR PART OF IT. ILLEGAL SEIZURE OF POSSESSIONS AT THE TIME OF ARREST STILL CONTINUES TO BE A SERIOUS PROBLEM IN MEXICO.

G. EXTORTION:

	ALLEGED	SUB-	UNSUB-	NO CON-
	STANTIATED	STANTIATED	CLUSION	
TOTAL	96	17	18	61
MEX. CITY	9	1	8	0
CD. JUAREZ	31	0	0	31
GUADALAJARA	5	3	0	2
HERMOSILLO	1	0	1	0
MATAMOROS	0	0	0	0
MAZATLAN	22	12	5	5
MERIDA	2	1	1	0
MONTERREY	2	0	0	2
NUEVO LAREDO	17	0	0	17
TIJUANA	7	0	3	4

COMMENT:

GENERAL OPINION AMONG ALL POSTS IS THAT AMERICAN PRISONERS ARE NOT SATISFIED WITH THE QUALITY OF LEGAL REPRESENTATION WHICH THEY ARE RECEIVING. AMCITS IN MEXICO ARE OFTEN APPROACHED

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BY MEXICAN ATTORNEYS WHO OFFER TO "PURCHASE" THEIR RELEASE FOR THEM IN RETURN FOR LARGE SUMS OF MONEY. VERY FEW ATTORNEYS

PROVIDE SUFFICIENT CONSULATATION WITH THEIR CLIENTS AND COORDINATION WITH THE POST IN APPRISING THOSE INVOLVED OF THE STATUS OF THE CASE. COURT-APPOINTED ATTORNEYS ARE SUPPOSED TO BE AVAILABLE AT NO COST BUT IF AVAILABLE ARE MOST OFTEN CONSIDERED TOTALLY INADEQUATE BY THEIR CLIENTS.

REMEDIAL ACTION:

PROTESTS HAVE BEEN FILED AT LOCAL LEVEL BY THREE POSTS. THE RESULTS OF THESE ACTIONS ARE GENERALLY UNSATISFACTORY. EXTORTION CASES CAN SOMETIMES BE SUBSTANTIATED TO THE SATISFACTION OF THE EMBASSY BUT ARE VERY DIFFICULT TO ESTABLISH LEGALLY. THE EMBASSY MAY ONLY HAVE PROOF ON THE SIDE OF THE ALLEGED VICTIM WHICH MAY BE INSUFFICIENT FOR MEXICAN AUTHORITIES TO TAKE APPROPRIATE ACTION. IN SUMMARY, THE EMBASSY BELIEVES THAT THE SINGLE MOST SERIOUS PROBLEM FACING AN AMCIT ARRESTED IN MEXICO IS HIS INABILITY TO FIND HONEST, COMPETENT, AND EFFECTIVE LEGAL REPRESENTATION TO DEFEND HIMSELF AGAINST CHARGES MADE IN A MEXICAN COURT.

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ACTION SCSE-00

INFO OCT-01 ARA-10 ISO-00 SCA-01 DHA-02 SY-05 L-03 H-02
FBIE-00 NSC-05 SNM-02 DEAE-00 /031 W
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P R 011549Z FEB 77
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 0021
INFO ALL US CONSULATES IN MEXICO UNN

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H. ABUSE IN PRISON

- 1) TOTAL ALLEGING ABUSE--97
- 2) TOTAL CASES WHERE ALLEGATION IS UNSUBSTANTIATED--74
- 3) TOTAL CASES WHERE ALLEGATION IS UNSUBSTANTIATED--11
- 4) TOTAL CASES WHERE NO CONCLUSION CAN BE REACHED--12
- 5) REMEDIAL ACTION TAKEN:

THE ABUSES INCLUDED IN THE ABOVE FIGURES ENCOMPASS EVERYTHING FROM WITHHOLDING MAIL TO TORTURE. THE VERY LARGE NUMBER OF SUBSTANTIATED CASES IS DUE PRIMARILY TO COMPLAINTS OF EXTORTION. PHYSICAL ABUSE IN THE FORM OF BEATINGS OR TORTURE IS

NOT A MAJOR PROBLEM IN MEXICAN PRISONS. IT HAS BEEN VIGOROUSLY PROTESTED WHEN IT DOES OCCUR--A PROTEST LETTER TO THE PRISON DIRECTOR IN MONTERREY RESULTED IN THE FIRING OF FOUR GUARDS INVOLVED IN A BEATING INCIDENT, WHILE BRUTAL TREATMENT OF TWO PRISONERS IN MEXICO CITY'S DISTRICT RESULTED IN IMMEDIATE PROTESTS TO THE PRISON DIRECTORS AND DIPLOMATIC NOTES TO THE FOREIGN MINISTRY. EXTORTION ON THE OTHER HAND, IS EXTREMELY WIDESPREAD. THE CONSULATES IN NUEVO LAREDO AND CIUDAD JUAREZ REPORT THAT IT IS UNIVERSAL IN THE PRISONS IN THEIR DISTRICT--IT TAKES THE FORM OF REGULAR PAYMENTS FOR THE OPPORTUNITY TO WORK AND ACCUMULATE CREDITS, FOR BETTER CELLS, BEDS, BLANKETS, THE USE OF TELEPHONES, SHOWERS, AND ALMOST ANYTHING THAT WOULD SERVE TO RAISE THE UNCLASSIFIED

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STANDARD OF LIVING ABOVE THE SUBSISTENCE LEVEL AVAILABLE TO THOSE WITHOUT ANY MONEY. THE INDIVIDUAL CASE FIGURES ARE NOT NECESSARILY AN ACCURATE REFLECTION OF CONDITIONS IN THE PRISONS. WHERE EXTORTION IS A COMMON PRACTICE PRISONERS ARE WILLING TO MAKE GENERAL STATEMENTS ABOUT THE PRACTICE, BUT THEY ARE NOT WILLING TO MAKE INDIVIDUAL COMPLAINTS OR TO AUTHORIZE THE EMBASSY TO TAKE ANY ACTION ON THEIR BEHALF BECAUSE OF FEAR OF REPRISALS. THE GENERAL SITUATION OF EXTORTION AND BRUTALITY AT THE PRISONS, IN CONTRAST TO INDIVIDUAL CASES, HAS BEEN THE SUBJECT OF DISCUSSION BY THE AMBASSADOR WITH THE ATTORNEY GENERAL (9/23/75), THE PRESIDENT (12/4/75), AND THE FOREIGN SECRETARY (1/16/76); THE SUBJECT OF A MEETING BETWEEN THE CONSUL-GENERAL, DEPUTY CONSUL-GENERAL, AND THE ATTORNEY GENERAL (11-12-76); AND THE SUBJECT OF A LETTER TO THE SECRETARY OF INTERIOR FROM THE ARREST AND DETENTION UNIT (9/12/75) LESS SERIOUS MATTERS, SUCH AS DIFFICULTIES WITH MAIL AND MEDICAL NEEDS ARE DISCUSSED ON AN INDIVIDUAL CASE BASIS WITH THE PRISON DIRECTORS AT REGULAR INTERVALS.

I. PROLONGED DETENTION WITHOUT JUDGEMENT

- 1) TOTAL DETAINED BEYOND ONE YEAR--48
- 2) TOTAL WHO HAVE NOT BEEN SENTENCED DUE TO DEFENSE TACTICS--18
- 3) TOTAL WHO HAVE NOT BEEN SENTENCED FOR WHICH NO ACCEPTABLE REASON CAN BE FOUND--30
- 4) REMEDIAL ACTION -- ALMOST ALL OF THE DELAYS IN SENTENCING ARE DUE TO THE HEAVY WORKLOAD OF THE COURTS, WITH TWO CASES RESULTING FROM A CHANGE OF LAWYERS AND THE FAILURE OF DEFENSE ATTORNEYS TO MAKE TIMELY APPEARANCE IN COURT. THE EMBASSY'S POLICY IS TO INTERVENE TO REQUEST SENTENCING IF THE AMCIT APPROVES SUCH ACTION, BUT MOST PRISONERS ALSO PREFER NOT TO RISK ANTAGONIZING AGAINST THE JUDGE WHOM THE PROTEST WOULD HAVE TO LIE.

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Message Attributes

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